

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LARRY D. WHITE, SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:09-CV-708-MEF
	)	[WO]
	)	
SHERIFF ANDY HUGHES, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Larry D. White, Sr. ["White"], an indigent inmate, filed this 42 U.S.C. § 1983 action on July 28, 2009. In this complaint, White challenges the conditions to which he was subjected during his confinement at the Houston County Jail. The court has ascertained that White no longer resides at the last address he provided for service. The order of procedure entered in this case specifically directed White to immediately inform the court of any change in his address. *Order of July 29, 2009 - Court Document No. 4* at 5. In light of the foregoing, the court entered an order requiring that on or before January 15, 2010 White inform the court of his present address. *Order of January 5, 2010 - Court Doc. No. 31*. White has filed nothing in response to the aforementioned order and this case cannot properly proceed in his absence. The court therefore concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to comply with the orders of this court. It is further

ORDERED that on or before September 16, 2011, the parties may file objections to the

Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 1<sup>st</sup> day of September, 2011.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
CHIEF UNITED STATES MAGISTRATE JUDGE